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CHAPTER 15

STATEWIDE WATER QUALITY MANAGEMENT PLANNING

SUBCHAPTER 2. PLANNING REQUIREMENTS

7:15-2.1 Continuing planning process (CPP)

(a) The Department shall conduct a continuing planning process (CPP) whose written provisions shall be contained, directly or by reference, in the Statewide WQM Plan and this chapter. In conducting the CPP the Department shall:

1. Integrate and unify the Statewide and areawide water quality management planning processes;
2. Encourage, direct, supervise and aid areawide water quality management planning;
3. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;
4. Identify aspects of the CPP that have been delegated to other State, Federal, interstate, or local agencies;
5. Provide opportunities for meaningful public participation in the water quality management planning process;
6. Conduct a Statewide assessment of water quality. (The State Water Quality Inventory Report shall be the principal water quality assessment component of the Statewide WQM Plan.);
7. Establish water quality goals and water quality standards for the waters of the State; and
8. Develop a Statewide implementation strategy to achieve the water quality standards and objectives and meet the requirements of Section 303(e) of the Clean Water Act (33 U.S.C. §§ 1251 et seq.), which shall include, but not be limited to:
 - i. The determination of effluent limitations and schedules of compliance at least as stringent as those required by the Clean Water Act (33 U.S.C. §§ 1251 et seq.);
 - ii. The identification of water quality limited segments;
 - iii. The determination of total maximum daily loads, wasteload allocations, and load allocations for pollutants;

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- iv. The incorporation of areawide and county WQM plans, applicable 209 Basin Plans, 201 Facilities Plans, and wastewater management plans;
- v. The amendment and revision of WQM plans, including schedules for such amendment and revision;
- vi. An inventory and ranking of needs, in order of priority, for the construction of wastewater facilities;
- vii. The determination of priorities for the issuance of discharge permits;
- viii. Methods for controlling all residual wastes from any water treatment processing; and
- ix. Adequate authority for intergovernmental cooperation in water quality management activities.

(b) In order to accomplish one or more of the requirements of (a) above, the CPP may also include or otherwise address, but not be limited to, one or more of the following:

1. Identification of existing or potential surface or ground water pollution problems, caused by point or nonpoint sources;
2. Evaluation of programs for water pollution control based upon factors that may include, but not be limited to, technical feasibility; cost- effectiveness; public acceptability; economic, social, or environmental impact; or legal, institutional, managerial or financial capability;
3. Technical measures, regulatory programs, or non-regulatory programs for point or nonpoint source water pollution control, protecting water resources, protecting environmentally sensitive areas, or other water quality related issues;
4. Designation of management agencies to implement one or more provisions of WQM plans; and
5. Other measures necessary to implement WQM plans.

7:15-2.2 Relationship between the Statewide, areawide and county Water Quality Management Plans

(a) The Statewide WQM Plan and this chapter contain the written provisions of the CPP. The Statewide WQM Plan and this chapter direct and coordinate water quality management planning and implementation activities for the entire State and serve as a guide for areawide planning. The Statewide Water Quality Management Plan adopted by the Commissioner on December 5, 1985 and all subsequent amendments and revisions

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thereto are hereby incorporated by reference into this chapter. This chapter is included within the Statewide WQM Plan.

NOTE: The Statewide Water Quality Management Program Plan may be inspected at the Office of Regulatory Policy, Department of Environmental Protection, 401 East State Street, Trenton, New Jersey, or the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey.

(b) The areawide WQM Plan is the basis by which the Department and the designated planning agencies conduct selected water quality management planning activities for a particular "area" or section of the State which has either designated or non-designated area status.

(c) If any elements of any areawide WQM plan conflict with any component of the Statewide WQM Plan identified under N.J.A.C. 7:15-3.1(e) or with this chapter, such elements shall be of no legal effect and shall be superseded by this chapter and the Statewide WQM Plan to the extent that such conflict exists.

(d) All WQM plans shall be consistent with State statutes and rules and to the extent they are not consistent shall have no legal force and effect.

(e) Every county planning board may conduct a county-wide water quality management planning process and prepare a county WQM plan.

1. County WQM plans shall not be in conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter. If any elements of any county WQM plan conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter, such elements shall be superseded by the Statewide WQM Plan, areawide WQM plans, or this chapter to the extent that such conflict exists.

2. Each county planning board that prepares or changes a county WQM plan shall transmit a copy of that plan or change to the ORP, and to any designated planning agency whose designated area includes part or all of the subject geographic area.

3. Consistency of projects and activities with county WQM plans shall be required under N.J.A.C. 7:15-3.1 or 3.2, only to the extent that county WQM plans or components thereof are adopted into areawide WQM plans pursuant to N.J.A.C. 7:15-3.4 or 3.5.

7:15-2.3 Role of the Department

(a) The Department shall:

1. Conduct a CPP and prepare a Statewide WQM Plan;
2. Prepare areawide WQM plans for non-designated areas:

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3. Revise and amend the Statewide WQM Plan as necessary;
4. Coordinate and direct the activities of designated planning agencies;
5. Review and approve areawide work programs;
6. To the maximum extent feasible, act as a resource for designated planning agencies and county planning boards, providing them with technical assistance, and information on best management practices and pollution control technologies;
7. Require the preparation and updating of wastewater management plans, and provide for their review and adoption into areawide WQM plans;
8. Establish and administer policies, procedures, standards, criteria, and rules for water quality and wastewater management issues;
9. Identify water quality limited segments;
10. Establish total maximum daily loads, wasteload allocations, load allocations, and water quality based effluent limitations;
11. Prepare a biennial State Water Quality Inventory Report, and other reports required from the State under the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;
12. Perform consistency determination reviews, and otherwise ensure that projects and activities affecting water quality do not conflict with WQM plans or this chapter;
13. Delegate aspects and responsibilities of the CPP to other State, Federal, interstate, county or local agencies, and also withdraw or transfer such delegations as necessary; and
14. Make recommendations to the Governor regarding designation of planning agencies and planning areas under N.J.S.A. 58:11A-4.

7:15-2.4 Role of designated planning agencies

(a) The designated planning agencies shall:

1. Prepare, revise, and amend the areawide WQM plans for their designated areas;
2. Fulfill all responsibilities assigned to them under this chapter, the Statewide WQM Plan, the areawide WQM plan, their charter, any grant agreement, approved work program, and any agreement with the State;
3. Carry out other responsibilities as agreed with or assigned by the Department under N.J.A.C. 7:15-2.3; and

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4. Ensure that the areawide WQM plan shall not be in conflict with any component of this chapter or the Statewide WQM Plan and shall not otherwise conflict with State statutes or duly promulgated rules.

(b) The Department and the designated planning agencies shall coordinate their work in shared river basins or sub-basins, and shall refer any conflicts concerning such coordination to the Commissioner for his mediation.

(c) If a previously designated area becomes a non- designated area as a result of action by the Governor, the Department shall conduct areawide water quality management planning for that area.